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HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER	
			MILIA, MARK R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,872	Applicant(s) BERGLIN, PATRIK	
	Examiner Mark R. Milia	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/2/10 and has been entered and made of record. Currently, claims 1-30 and 32-33 are pending.

Claim Rejections - 35 USC § 101

Applicant's amendment to claims 17, 18, 32, and 33 has overcome the rejection set forth in the previous Office Action. However, claims 17, 18, 32, and 33 are drawn to such a computer readable medium that covers both transitory and non-transitory embodiments but may be amended to narrow the claim to cover only statutory embodiments by adding the limitation "non-transitory" to the claim.

The broadest reasonable interpretation of a claim drawn to a computer readable medium covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim

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Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.

Therefore, claims 17, 18, 32, and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

2. Applicant's amendment to claims 7 and 25 has overcome the rejection set forth in the previous Office Action and therefore has been withdrawn.

Response to Arguments

3. Applicant's arguments filed 6/2/10 have been fully considered but they are not persuasive.

The applicant asserts that Nakatsuma does not teach "receiving, from the selected shared resource, a confirmation indicating that the job has been completed successfully by the shared resource or that the job has not been completed successfully by the shared resource" and forwarding the confirmation to the server as previously recited in claim 19 and receiving such a confirmation at the server from the client as previously recited in claims 1 and 17. The applicant also asserts that Nakatsuma does not teach "notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible," such that

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both the "notifying" and the "checking continuously" are performed "by the server" as recited in claim 1 and 17. The Examiner respectfully disagrees as Nakatsuma does disclose such features. Particularly, Nakatsuma states that after a print job is completed printing that the printer **105** a job deletion instruction is sent to the client PC **102-104** to delete the job information and temporary file and the deletion result is notified to the server **101** and upon reception of the deletion result the server **101** deletes the corresponding job information from the queues of the server **101** (column 24 lines 38-54). If the print job has not been completed then no deletion instruction is transmitted to the client PC. Thus Nakatsuma discloses receiving, from the selected shared resource, a confirmation indicating that the job has been completed successfully by the shared resource or that the job has not been completed successfully by the shared resource and forwarding the confirmation. Nakatsuma also states that a printer-down flag is checked prior to notifying the client PC to send a print job to a printer and if the flag if it is on then a wait indication is performed until such a time in which the printer-down flag is off and then the server will send a printable indication to the client PC to allow the print job to be sent to the printer for execution (Figs. 45 and 46, column 21 lines 48-64 and column 22 lines 9-14). Thus Nakatsuma discloses notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible, such that both the notifying and the checking continuously are performed by the server.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6, 8, 13-15, 17-24, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,115,132 to Nakatsuma et al., as cited in the IDS dated 4/16/09.

Regarding claims 1 and 17, Nakatsuma discloses a computer-readable medium storing code portions that cause a server to execute (column 7 lines 34-67 and method for controlling and monitoring transfers of jobs from clients connected in a network to shared resources connected in the network, the method comprising: receiving, at a server, from a client connected in the network, a request to be allowed to send a job to a selected shared resource connected in the network (see column 5 lines 33-34, column 12 lines 1-23, and column 13 lines 24-30, client computer **102** requests a print start from the server **101**), assigning an identity to the job (see column 13 lines 24-62), checking continuously, by the server, whether the shared resource is accessible and has capacity for receiving the job at present (see column 12 line 54-column 13 line 3, server **101** checks the status of the network printer at a 5 second interval), sending a go-ahead to the client that the client can send the job directly to the selected shared resource, the go-ahead including the identity assigned to the job so that the network may identify the job, the sending being executed if the checking continuously determines that the selected shared resource is accessible and has capacity to receive the job at present

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(see column 12 lines 33-41, server **101** notifies the client computer **102** when printing by the network printer is possible), placing the request in a queue for the selected shared resource, if the checking continuously determines that the selected shared resource is accessible but at present lacks capacity for receiving the job, the queue being updated continuously, sending the go-ahead to the client that the client can send the job directly to the selected shared resource, if the request is in a first position in the queue and the checking continuously determines that the selected shared resource has capacity to receive the job at present (see column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, a registered job information queue table is used to queue requests for printable indications by the server **101**), notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible (see column 21 lines 48-64 and column 22 lines 15-34, after a print job is completed printing that the printer **105** a job deletion instruction is sent to the client PC **102-104** to delete the job information and temporary file and the deletion result is notified to the server **101** and upon reception of the deletion result the server **101** deletes the corresponding job information from the queues of the server **101**), receiving, from the client, a confirmation indicating that the job has been completed successfully by the shared resource or that the job has not been completed successfully by the shared resource, and removing the request from the queue upon receipt of the confirmation (see column 23 lines 11-16 and 50-56, column 24 lines 38-54, and column 29 lines 24-40, after a print job is completed printing that the printer **105** a job deletion instruction is sent to the client PC **102-104** to delete

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the job information and temporary file and the deletion result is notified to the server **101** and upon reception of the deletion result the server **101** deletes the corresponding job information from the queues of the server **101**).

Regarding claim 19, Nakatsuma discloses a method of transferring a job from a client connected in a network to a shared resource connected in the network and selected by the client, comprising: sending, to a server, configured to control and monitor transfers of jobs to shared resources connected in the network, a request to be allowed to send the job directly to the selected shared resource, the server being further configured to, assign an identity to the job and communicate the identity to the client, to place the request in a queue for the selected shared resource, update the queue continuously, and transmit a go-ahead to the client to send the job to the selected shared resource, if the request is in a first position in the queue (see column 5 lines 33-34, column 12 lines 1-23, column 12 line 54-column 13 line 3, column 13 lines 24-30, column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, client computer **102** requests a print start from the server **101**, server **101** checks the status of the network printer at a 5 second interval, a registered job information queue table is used to queue requests for printable indications by the server **101**), preparing and storing the job (see column 12 lines 1-23), receiving the go-ahead from the server, the go-ahead including the identity assigned to the job (see column 12 lines 33-41, server **101** notifies the client computer **102** when printing by the network printer is possible), sending the job directly to the selected shared resource (see column 13 line 64-column 14 line 5), receiving, from the selected shared resource,

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a confirmation indicating that the job has been completed successfully by the shared resource or that the job has not been completed successfully by the shared resource, forwarding the confirmation to the server, the server being further configured to remove the request from the queue in response to the confirmation (see column 23 lines 11-16 and 50-56, column 24 lines 38-54, and column 29 lines 24-40, after a print job is completed printing that the printer **105** a job deletion instruction is sent to the client PC **102-104** to delete the job information and temporary file and the deletion result is notified to the server **101** and upon reception of the deletion result the server **101** deletes the corresponding job information from the queues of the server **101**).

Regarding claims 2 and 20, Nakatsuma further discloses wherein repetitively receiving, from the client, updated status information regarding the completion of the job by the shared resource, the repetitively receiving occurring after the sending the go-ahead and before the receiving the confirmation, absence of the repetitively receiving indicating an operation error of the or a communication error between the client and the server (see column 23 lines 11-16 and 50-56, updated status information is provided for end of page indication and for job completion).

Regarding claims 3 and 21, Nakatsuma further discloses receiving a confirmation that the identity has been received by the client (see column 13 lines 40-51, the client computer utilizes the job ID sent from the server to send the print data to network printer for execution).

Regarding claims 4 and 22, Nakatsuma further discloses receiving a confirmation that the go-ahead has been received by the client (see column 13 line 64-column 14

line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claims 5 and 23, Nakatsuma further discloses wherein the confirmation that the go-ahead has been received also indicates that the job has been or will be sent to the shared resource directly (see column 13 line 64-column 14 line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claims 6 and 24, Nakatsuma further discloses wherein the shared resource is a printer and the job is a print job (see Fig. 1 and column 5 lines 26-52).

Regarding claims 7 and 25, Nakatsuma further discloses wherein the shared resource is a transmitter device, a telefax apparatus, a displaying unit, a projector, a device for storing data, a CD recorder, or a DVD recorder, and wherein the job is a job to send, display, or store data (see Fig. 1 and column 5 lines 26-52).

Regarding claim 8, Nakatsuma further discloses sending information regarding a status of the shared resource to the client (see column 5 lines 33-34, column 12 lines 1-23, column 12 line 54-column 13 line 3, column 13 lines 24-30, column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, client computer **102** requests a print start from the server **101**, server **101** checks the status of the network printer at a 5 second interval, a registered job information queue table is used to queue requests for printable indications by the server **101**).

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Regarding claims 13 and 29, Nakatsuma further discloses receiving, from the client, information of a size of the job (see column 13 lines 27-30, the amount of data is part of the job information).

Regarding claims 14 and 30, Nakatsuma further discloses wherein the receiving information of the size of the job is executed with the receiving the confirmation that the identity has been received (see column 13 lines 24-30 and 40-51, the job information, including the amount of data, is registered in the server along with the job ID).

Regarding claim 15, Nakatsuma further discloses continuously checking a status of shared resources in the network (see column 12 lines 58-61, server **101** checks the status of the network printer at a 5 second interval).

Regarding claim 18, Nakatsuma further wherein the code portions are configured to be downloaded onto the server (see column 7 lines 34-67).

Regarding claim 32, Nakatsuma further discloses a computer-readable medium storing code portions that cause a client terminal to execute the method of claim 19client (see Fig. 1 and column 7 lines 34-67).

Regarding claim 33, Nakatsuma further discloses a network comprising at least one server including the computer-readable medium of claim 17 (see Fig. 1 and column 7 lines 34-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claims 1 and 19 above, and further in view of U.S. Patent Application Publication No. 2002/0067504 to Salgado et al.

Regarding claim 9, Nakatsuma does not disclose expressly storing a version of client software for the client, the software relating to communication with the selected shared resource, receiving, from the client, information of a version of the client software the client is using for communication with the selected shared resource, comparing the version of the stored client software and the version of the client software in use, and transferring a copy of the stored client software to the client or installing a copy of the stored client software on the client, executing the transferring or installing if the comparing determines that the version of the stored client software is newer than the version of the client software in use.

Salgado discloses storing a version of client software for the client, the software relating to communication with the selected shared resource (see paragraph 23), receiving, from the client, information of a version of the client software the client is using for communication with the selected shared resource (see paragraph 23),

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comparing the version of the stored client software and the version of the client software in use (see paragraph 24), and transferring a copy of the stored client software to the client or installing a copy of the stored client software on the client, executing the transferring or installing if the comparing determines that the version of the stored client software is newer than the version of the client software in use (see paragraph 24).

Regarding claim 26, Nakatsuma does not disclose expressly sending, to the server, information of a version of client software the client is using for communication with the selected shared resource, and receiving, from the server, a copy of client software stored by the server, if the client software stored by the server is a newer version than the client software the client is using.

Salgado discloses sending, to the server, information of a version of client software the client is using for communication with the selected shared resource (see paragraph 23), receiving, from the server, a copy of client software stored by the server, if the client software stored by the server is a newer version than the client software the client is using (see paragraph 24).

Nakatsuma & Salgado are combinable because they are from a similar field of endeavor, utilization of printer drivers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the automatic upgrading of printer drivers, as described by Salgado, and which is well known and commonly used in the art, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to ensure proper functionality and correct errors as printer drivers become old and to add or modify features.

Therefore, it would have been obvious to combine Salgado with Nakatsuma to obtain the invention as specified in claims 9 and 26.

Regarding claim 10, Salgado further discloses wherein the receiving information of the version of the client software the client is using is executed with the receiving the request to be allowed to send the job to the selected shared resource (see paragraphs 22-24, reference states that attempts to automatically update the printer driver can be run at certain predetermined times or upon the occurrence of certain predetermined events, such as when a request to send a job is made).

Regarding claim 27, Salgado further discloses wherein the sending information the version of the client software the client is using is executed with the sending the request to be allowed to send the job to the selected shared resource (see paragraphs 22-24, reference states that attempts to automatically update the printer driver can be run at certain predetermined times or upon the occurrence of certain predetermined events, such as when a request to send a job is made).

8. Claims 11-12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claims 1 and 19 above, and further in view of U.S. Patent Application Publication No. 2002/0062453 to Koga.

Regarding claim 11, Nakatsuma discloses the request to be allowed to send the job to the selected shared resource includes a user domain and a user identity for the client (see column 13 lines 24-30).

Nakatsuma does not disclose expressly checking whether the client has authorization to send the job to the selected shared resource, and sending an error code to the client, if the client does not have authorization to send the job to the selected shared resource.

Koga discloses checking whether the client has authorization to send the job to the selected shared resource (see paragraphs 64, 68-69, and 86-88), and sending an error code to the client, if the client does not have authorization to send the job to the selected shared resource (see paragraph 137).

Regarding claim 28, Nakatsuma discloses wherein said request to be allowed to send a job to the selected shared resource comprises a user domain and a user identity for the client connected in the network (see column 13 lines 24-30).

Nakatsuma does not disclose expressly wherein receiving an error code from the server, if the client does not have authorization to send the job to the selected shared resource.

Koga discloses wherein receiving an error code from the server, if the client does not have authorization to send the job to the selected shared resource (see paragraph 137).

Nakatsuma & Koga are combinable because they are from a similar field of endeavor, seeking permission to print a job.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the authentication to send a job to a printer, as described by Koga, and which is well known in the art, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to provide an arrangement to charge or limit use and improve security.

Therefore, it would have been obvious to combine Koga with Nakatsuma to obtain the invention as specified in claims 11 and 28.

Regarding claim 12, Nakatsuma further discloses checking a user priority of the client, if the client has authorization to send the job to the selected shared resource, and placing the request in the queue depending on the user priority of the client (see column 18 lines 33-49, jobs are processed in sequential order).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. 2003/0212789 to Hamel et al.

Nakatsuma does not disclose expressly continuously copying information regarding status of shared resources in the network, information regarding queues, information regarding clients, and information regarding jobs to a second server configured to control and monitor transfers of jobs.

Hamel discloses continuously copying information regarding status of shared resources in the network, information regarding queues, information regarding clients,

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and information regarding jobs to a second server configured to control and monitor transfers of jobs (see paragraphs 55-56 and 82-84, reference discloses data replication from one database to another database for tracking and recovery purposes).

Nakatsuma & Hamel are combinable because they are from a similar field of endeavor, tracking and storage of information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the replication of data held in a database, as described by Hamel, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to provide a recovery log in the event of an error or lose of data located in the main database.

Therefore, it would have been obvious to combine Hamel with Nakatsuma to obtain the invention as specified in claim 16.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
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